

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:21-cr-32

vs.

DAMON MYERS,

District Judge Michael J. Newman

Defendant.

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**ORDER: (1) GRANTING THE PARTIES' JOINT, ORAL MOTION FOR A 45-DAY CONTINUANCE; (2) EXCLUDING THE TIME FROM JANUARY 11, 2024 UNTIL FEBRUARY 25, 2024 FROM THE SPEEDY TRIAL ACT CALCULATION; (3) FINDING THAT THE NEW SPEEDY TRIAL ACT DEADLINE IS MARCH 15, 2024; (4) DIRECTING THE PARTIES TO FILE A JOINT STATUS REPORT BY FEBRUARY 14, 2024; (5) DENYING AS MOOT DEFENDANT'S MOTION FOR A STATUS CONFERENCE (Doc. No. 66); AND (6) SETTING TRIAL FOR MARCH 11, 2024 AT 9:30 A.M.**

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This criminal case comes before the Court on the parties' joint, oral motion for a 45-day continuance during a telephone status conference on January 11, 2024. The Court finds that, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(i), after considering the factors set forth therein, the ends of justice are served by granting the requested continuance and that such continuance outweighs the best interest of the public and defendant in a speedy trial. Failure to grant the requested continuance would deny both the Government and Defendant the time necessary for effective preparation and the ability to explore all available means of resolving this case. *See* 18 U.S.C. § 3161(h)(7).

Thus, the Court **GRANTS** the joint motion for a continuance. The time from January 11, 2024 until February 25, 2024 is **EXCLUDED** in computing the time period set forth in 18 U.S.C. § 3161 within which the United States must bring Defendant to trial. Accounting for the time

excluded from the Speedy Trial Act calculation, the new **Speedy Trial Act deadline** in the instant case is **March 15, 2024**.<sup>1</sup> The Court **DIRECTS** the parties to file a joint status report **by February 14, 2024**. The Court also **DENIES AS MOOT** Defendant's motion for a status conference (Doc. No. 66), as a telephone status conference was held on January 11, 2024. Finally, the Court **SCHEDULES** trial for **March 11, 2024 at 9:30 A.M.**

**IT IS SO ORDERED.**

January 12, 2024

s/Michael J. Newman

Hon. Michael J. Newman

United States District Judge

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<sup>1</sup> If counsel disagrees with this calculation, counsel shall file a notice containing their proposed Speedy Trial Act calculation and deadline.